

PATENT

Docket No. 1874-4045

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	:	MASS et al.	Confirmation No.	:	1224
Serial No.	:	10/517,172	Art Unit	:	3721
Int'l Filing Date	:	December 7, 2004	Examiner	:	TBA
For	:	<b>NETTING MATERIAL WITH BREATHABLE MATERIAL PANELS AND METHOD OF WRAPPING WITH NETTING MATERIAL</b>			

**COMMUNICATION**

**MAIL STOP:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached please find a courtesy copy of the International Search Report and Written Opinion (PCT/ISA/210/220/237) as recently mailed in corresponding International Application Serial No. PCT/IB2004/003475.

The Commissioner is hereby authorized to charge any additional fees which may be required for the timely consideration of this Preliminary Amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1874-4045

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Date: April 2, 2008

By: \_\_\_\_\_



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**CORRESPONDENCE ADDRESS:**

MORGAN & FINNEGAN, L.L.P.  
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# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

# PCT

To:

MORGAN & FINNEGAN, L.L.P.  
Attn. Blum, Israel  
Three World Financial Center  
New York, NY 10281-2101  
ETATS-UNIS D'AMERIQUE

CASE 1874-4045PC ATTY BWB  
DUE April 15, 2008 (U.S. Suppl. IDS)  
mo. call-up                     

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year)	15/01/2008
Applicant's or agent's file reference 1874-4045PC	<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
International application No. PCT/IB2004/003475	International filing date (day/month/year) 22/10/2004
Applicant  TAMA PLASTIC INDUSTRY	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.  
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**


Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority	Authorized officer
 <p>European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016</p>	<p>Bruno Gamboa Susin</p> <p>BY <u>J-777</u></p>

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments?

##### **Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.**

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>1874-4045PC</b>	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. <b>PCT/IB2004/003475</b>	International filing date (day/month/year) <b>22/10/2004</b>	(Earliest) Priority Date (day/month/year)
Applicant  <b>TAMA PLASTIC INDUSTRY</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 7 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☒ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

(Comments to abstract)  
 CASE 1874-4045PC ATTY BWB  
 DUE January 15, 2008  
 no. call-up                      BY                     

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☐ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/IB2004/003475

### Box No. IV Text of the abstract (Continuation of item 5 of the first sheet)

A composite netting (100) is used for wrapping bales with a baling machine. The composite netting includes a continuous netting component (110), and a discontinuous, breathable material component (120). The breathable material component is partially attached to the netting material (110). In some embodiments, the breathable material is attached only along the leading edge (125) of each breathable material panel. As a result of the attaching technique the stretching properties of the netting are not transferred to the breathable material. Thus, each component of the netting retains its individual properties. Each bale is initially wrapped with about one wrapping of netting material, followed by about one wrapping of breathable material and a partially attached net that is continuous from the first section. After this, one or more additional netting layers may be applied if desired.

A. CLASSIFICATION OF SUBJECT MATTER  
INV. B65D65/02 A01F15/07

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

B65D A01F B32B D04B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DE 198 33 554 A1 (STAUCH, JOSEF, 97959 ASSAMSTADT, DE; STAUCH, JOSEF) 28 January 1999 (1999-01-28) cited in the application column 3, line 3 - line 21 figure 1	1,3-12, 19
Y	US 2004/121108 A1 (MASS NISSIM ET AL) 24 June 2004 (2004-06-24) cited in the application	1,3-12, 19
A	paragraph [0014] paragraph [0031] - paragraph [0034] figure 3	5,6
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

## \* Special categories of cited documents:

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*G\* document member of the same patent family

Date of the actual completion of the international search

8 July 2005

Date of mailing of the international search report

15/01/2008

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

BALTANAS Y JORGE, R

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y A	EP 0 233 471 A (CLAAS OHG) 26 August 1987 (1987-08-26)  column 1, line 3 - line 8 column 2, line 5 - line 17 column 3, line 3 - line 14 figure 2 -----	19  1, 3-6, 9, 10
Y	EP 1 369 516 A (TAMA PLASTIC INDUSTRY) 10 December 2003 (2003-12-10) paragraph [0011] figure 2 -----	12
A	US 4 703 605 A (ACKERMANN ET AL) 3 November 1987 (1987-11-03) cited in the application column 1, line 50 - line 59 column 2, line 53 - line 68 figure 3 -----	19

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/IB2004/003475

## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-12, 19-21

### Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.



**FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210**

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-12, 19-21

Composite netting with vapor permeable and liquid impermeable panels.  
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2. claims: 13-18

Improved dimensions of a composite netting.  
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3. claims: 22, 23

Bale wrapping method for covering the lateral edges of the bale.  
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4. claims: 24-26

Wrapped bale comprising a three-layered cover.  
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5. claims: 27, 28

Disposition of panels on a composite netting.  
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## Information on patent family members

International Application No

PCT/IB2004/003475

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 19833554	A1	28-01-1999	NONE
US 2004121108	A1	24-06-2004	AU 2003288624 A1 29-07-2004 WO 2004060768 A1 22-07-2004
EP 0233471	A	26-08-1987	DE 3601361 A1 23-07-1987
EP 1369516	A	10-12-2003	DE 29825132 U1 24-03-2005 EP 1371768 A1 17-12-2003
US 4703605	A	03-11-1987	DE 3429203 A1 20-02-1986 FR 2568745 A1 14-02-1986 GB 2167344 A 29-05-1986 JP 1866392 C 26-08-1994 JP 5075364 B 20-10-1993 JP 61047120 A 07-03-1986

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/IB2004/003475

International filing date (day/month/year)  
22.10.2004

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC  
INV. B65D65/02 A01F15/07

Applicant  
TAMA PLASTIC INDUSTRY

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office  
D-80293 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

BALTANAS Y JORGE, R

Telephone No. +49 89 2399-7668



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2004/003475

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2004/003475

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 13-18, 22-28

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the whole application or for said claims Nos. 13-18, 22-28

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See separate sheet for further details

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2004/003475

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**Box No. IV Lack of unity of invention**

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1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees, the applicant has:
- ☐ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☒ not paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
  - ☒ not complied with for the following reasons:  
**see separate sheet**
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☐ all parts.
  - ☒ the parts relating to claims Nos. 1-12, 19-21

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	<u>1-12, 19-21</u>
	No: Claims	
Inventive step (IS)	Yes: Claims	<u>2, 20, 21</u>
	No: Claims	<u>1,3-12,19</u>
Industrial applicability (IA)	Yes: Claims	<u>1-12, 19-21</u>
	No: Claims	

2. Citations and explanations

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2004/003475

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

see separate sheet

**Re Item IV.**

The separate inventions/groups of inventions are:

1-12, 19-21

Composite netting with vapor permeable and liquid impermeable panels.

13-18

Improved dimensions of a composite netting.

22, 23

Bale wrapping method for covering the lateral edges of the bale.

24-26

Wrapped bale comprising a three-layered cover.

27, 28

Disposition of panels on a composite netting.

They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons:

The definitions of the different (groups of) claimed inventions are only intended to identify said inventions in a concise manner. They may well, as such, comprise terms or generalisations which upon a close analysis could be found to extend the defined subject-matter beyond the contents of the applications as filed.

Document EP0233471 discloses a composite netting comprising a continuous netting (17) and a plurality of material panels (12).

The special technical features, as defined in Rule 13.2 PCT, of the first group of claims, which are intended to be a contribution over this prior art, i.e. the feature of the material panels being substantially vapor permeable and liquid impermeable, apparently solve the problem of protecting the bale from rain and external moisture while allowing the bale to dry.

The special technical features, as defined in Rule 13.2 PCT, of the second group of claims, which are intended to be a contribution over said prior art, i.e. a netting segment



having a segment length that is preselected to be substantially equal to 2.5 times the circumference of a bale, apparently solve the problem of ensuring an adequate coverage of the perimeter of a bale. Moreover, the composite netting of the second group of claims lacks some features in respect of the composite netting of the first group of claims (e.g. the number of panels can be a single one instead of a plurality attached at preselected intervals, nothing is said about the breathing capability of the panel itself, but just about the material, and said panel is "connected" instead of "physically attached" to the netting), which makes it a completely different composite netting.

The special technical features, as defined in Rule 13.2 PCT, of the third group of claims, which are intended to be a contribution over said prior art, i.e. the step of cutting one or more outermost layers of the netting along a centerline, apparently solve the problem of covering the edges of a wrapped bale. Moreover, the netting of the third group of claims lacks some features in respect of the composite netting of the first group of claims (e.g. nothing is said about the breathing capability of the panel itself, but just about the material, and the partial attachment of the panels to the netting is not described and thus not necessarily the same as in the first group of claims), which makes it a completely different netting.

The special technical features, as defined in Rule 13.2 PCT, of the fourth group of claims, which are intended to be a contribution over said prior art, i.e. a three-layered wrapped bale with a layer of breathable material wrapping the bale one time, apparently solve the problem of ensuring an adequate degree of protection and stability of the cover of a bale. Moreover, the netting of the fourth group of claims lacks some features in respect of the composite netting of the first group of claims (e.g. the number of panels can be a single one instead of a plurality attached at preselected intervals, being even possible that the layers are independent and not continuous, and the partial attachment of the panels to a netting is not described and thus not necessarily the same as in the first group of claims), which makes it a completely different netting.

The special technical features, as defined in Rule 13.2 PCT, of the fifth group of claims, which are intended to be a contribution over said prior art, i.e. a disposition of panels partially attached to the netting at preselected intervals, apparently solve the problem of providing a reasonable stock of composite netting on a roll of wrap. Moreover, the netting

of the fifth group of claims lacks some features in respect of the composite netting of the first group of claims (e.g. nothing is said about the breathing capability of the panel itself, but just about the material, and the partial attachment of the panels to a netting is not described and thus not necessarily the same as in the first group of claims), which makes it a completely different netting.

No same or similar special technical features can be determined and different underlying problems are solved. Moreover, it is clear that the five claimed inventions can be applied independently of each other, i.e. they are not necessarily inter-related.

It appears therefore that no technical relationship between the various claimed inventions exists involving one or more of the same or corresponding special technical features, beside the common and already well known feature of providing a composite netting, see document EP0233471. The five groups of claims are thus not so linked as to form a single general inventive concept.

Furthermore, searching more than one of these different subjects would have caused major additional search efforts.

Before following the invitation to pay additional search fees the applicant is advised to carefully consider his intentions in later stages of the procedure (i.e. Chapter II). Applicant should take into account that additional search fees, once paid, are unlikely to be refunded if at such a later stage it becomes in retrospect apparent that in the light of amendments of the claims such a payment was in fact unnecessary. Such a case may rise where the applicant in that later stage of the proceedings arrives at a subject-matter to be protected which includes the further subjects here identified only in dependency on the subject identified here as the main (first) invention. On the other hand the applicant is advised that not following the invitation may lead to a loss of rights concerning those subjects per se, identified here as further inventions.

#### **Re Item V.**

1 Reference is made to the following documents:

- D1: DE 198 33 554 A1 (STAUCH, JOSEF, 97959 ASSAMSTADT, DE; STAUCH, JOSEF) 28 January 1999 (1999-01-28)  
D2: US 2004/121108 A1 (MASS NISSIM ET AL) 24 June 2004 (2004-06-24)  
D3: EP-A-0 233 471 (CLAAS OHG) 26 August 1987 (1987-08-26)  
D4: EP-A-1 369 516 (TAMA PLASTIC INDUSTRY) 10 December 2003 (2003-12-10)  
D5: US-A-4 703 605 (ACKERMANN ET AL) 3 November 1987 (1987-11-03)

## 2 INDEPENDENT CLAIM 1

- 2.1 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document) a composite netting comprising a continuous netting (12) having a multiplicity of openings that are liquid and vapor permeable and a plurality of panels (14) partially attached to the continuous netting (see column 1, lines 62 to 68; a layer attached to a net is "partially attached" by definition since the net is not a continuous materials and the attachment can only take place along the lines which form the net) at preselected intervals along the length of the netting, the partial attachment of the panels (14) to the continuous netting (12) being such that at least one preselected part of each of the plurality of panels (14) is physically attached to at least one preselected part of the netting (12; see column 1, lines 66 to 68).

From this, the subject-matter of independent claim 1 differs in that the panels are formed from breathable material and they are substantially vapor permeable and liquid impermeable.

- 2.1.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as that of protecting the bale from rain and external moisture while allowing said bale to dry.

- 2.1.2 The solution to this problem proposed in claim 1 of the present application is considered as not involving an inventive step (Article 33(3) PCT) for the

following reasons:

The fact of wrapping a bale with a breathable layer which allows natural drying while preventing rain and moisture to enter the bale is well known for the person skilled in the art as shown (a.o.) in document D2 (see paragraphs 14 and 32).

Thus, the person skilled in the art would combine the information disclosed in D2 with the composite netting of D1 in order to get the advantages of a natural drying process without requirement of any inventive step.

### 3 INDEPENDENT CLAIM 19

- 3.1 Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document) a method for reducing spoilage of a bale of perishable items, the method comprising the step of inserting a roll of composite netting into a mechanized baling device, the composite netting comprising a continuous netting (12) having a multiplicity of openings that are liquid and vapor permeable and a plurality of panels (14) partially attached to the continuous netting (see column 1, lines 62 to 68; a layer attached to a net is "partially attached" by definition since the net is not a continuous materials and the attachment can only take place along the lines which form the net) at preselected intervals along the length of the netting, the partial attachment of the panels (14) to the continuous netting (12) being such that at least one preselected part of each of the plurality of panels (14) is physically attached to at least one preselected part of the netting (12; see column 1, lines 66 to 68), where the bale is wrapped with a first section of netting (12) to hold the bale together, and with a second section of netting (14), the second section holding a single panel against the bale.

From this, the subject-matter of independent claim 1 differs in that:

a) The panels are formed from breathable material and they are substantially vapor permeable and liquid impermeable.

b) The bale is wrapped with a third section of the netting having a sufficient length to

grip the bale and prevent unravelling of the netting from the bale.

3.1.1 The subject-matter of claim 19 is therefore novel (Article 33(2) PCT)

The problem to be solved by the present invention may be regarded as that of:

- a) Protecting the bale from rain and external moisture while allowing said bale to dry.
- b) Ensuring a permanent presence of the film which protects the bale against the action of wind or any other external factor.

3.1.2 The solutions to this problems proposed in claim 19 of the present application are considered as not involving an inventive step (Article 33(3) PCT) for the following reasons:

- a) The fact of wrapping a bale with a breathable layer which allows natural drying while preventing rain and moisture to enter the bale is well known for the person skilled in the art as shown (a.o.) in document D2 (see paragraphs 14 and 32).

Thus, the person skilled in the art would combine the information disclosed in D2 with the composite netting of D1 in order to get the advantages of a natural drying process without requirement of any inventive step.

- b) The fact of applying a final section of netting after a section containing a protecting film is well known for the person skilled in the art as shown (a.o.) in document D3 (see section 16 in figure 2 and column 3, lines 3 to 8).

Thus, the person skilled in the art would combine the information disclosed in D3 with the composite netting of D1 in order to get the advantages associated with the application of a final section of netting without requirement of any inventive step.

According to the PCT Preliminary Examination Guidelines, chapter 13, point 13.05 this would be a case of mere juxtaposition of features with no functional relationship

among them.

**4 DEPENDENT CLAIMS 3-12**

Dependent claims 3 to 12 seem to be usual options for the person skilled in the art in order to solve well-known problems (for claims 3, 4 and 10: see D1 figure 1; for claim 5: see D1, column 3, lines 13 to 21; for claims 6 and 7: see D1, or also D2, end of paragraph 32; for claims 8 and 11: see D1, lines 3 to 21; for claim 9: see D1, where panel in section 14 is attached to the whole of the netting section, thus also along the along edge of the panel; for claim 12: see D4, beginning of paragraph 11, a.o.) or are obvious design options which are available for the person skilled in the art when confronted with particular situations.

Thus, the subject-matter of claims 3 to 12 does not involve therefore an inventive step (Art.33(3) PCT).

**5 DEPENDENT CLAIMS 2 AND 20**

Claim 2 and 20 differ from D1 in combination with D2 in that the remainder of each breathable material panel is not attached to the netting so that when the continuous netting is stretched lengthwise, the breathable material panels are not correspondingly stretched lengthwise.

The problem to be solved by the present invention may therefore be regarded as to ensure that the whole of the width of the bale is covered by the protecting panel in spite of the netting stretching.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: the proposed solution is not disclosed in any of the considered documents, and overcomes a number of technical prejudices (e.g. a loose attachment of the panel to the netting which at first glance would look as undesirable for stability reasons).

The industrial applicability of the invention is obvious.

**Re Item VII.**

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

Independent claims 1 and 19 are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	<p>For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.</p>
Amending claims under Art. 19 PCT	<p>Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.</p>
Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
Filing informal comments	<p>After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.</p>
End of the international phase	<p>At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPER (international preliminary examination report).</p>
Relevant PCT Rules and more information	<p>Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003</p>